

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appellants(s): Magda MOURAD Group Art Unit: 2136  
Appln. No. : 10/731,020 Examiner: Fatoumata Traore  
Filed : December 10, 2003 Confirmation No.: 5192  
For : SYSTEM AND METHOD FOR AUTHORING LEARNING MATERIAL  
USING DIGITAL OWNERSHIP RIGHTS

## REQUEST FOR PRE-APPEAL BRIEF REVIEW

Commissioner for Patents  
U.S. Patent and Trademark Office  
Customer Service Window, Mail Stop AF  
Randolph Building  
401 Dulany Street  
Alexandria, VA 22314

Sir:

This request is being filed concurrently with a Notice of Appeal. Reconsideration of the rejections of claims 1 – 21 and 23 - 39 is respectfully requested in view of the following remarks.

*A prima facie case of anticipation has not been set forth and the Rejections Under 35 U.S.C. § 102(e) Are Improper*

**Examiner's Assertion:**

The Examiner asserts that independent claims 1 and 32 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Publication US 2005/0086501 to Woo et al. ("Woo").

**Appellant's Reply:**

Appellant does not agree with the Examiner. With regard to independent claim 1, Appellant submits that Woo does not disclose that the download of the authoring application includes checking the client browser's version and downloading the DRM extension appropriate for the browser's version. While acknowledging that the DRM controller of Woo may be checked and upgraded when a new version of the DRM is released, Appellant submits that the DRM controller is not downloaded with the authoring application. Rather, the DRM controller of Woo is a component used for the content playing process by the end user of the digital content.

As explained in paragraph [0162] of Woo, FIG. 3 is a sequence chart of the playing process of media content by an end user. The end user (or client) of the digital content may install a DRM controller in the client system. After the end user or client has installed the DRM controller, the DRM controller may be checked with version number and only upgraded when a new version is released.

However, Appellant submits that the end user of the media content (or client) does not download the authoring application used to initially create the media content. Furthermore, Appellant submits that the process of FIG. 3, which includes upgrading the DRM controller when a new version is released, is not performed during a download of an authoring application. That is, according to Woo, in order for a content user to perform the steps shown in FIG. 3 (e.g., a download of media content), the media content must already be created. For the media content to have already been created, requires that any authoring application (which facilitates the creation of media content) already be downloaded by a media content author.

As such, Appellant submits that Woo does not disclose “wherein the download of the authoring application includes checking the client browser's version and downloading the DRM extension appropriate for the browser's version,” as recited in claim 1. Therefore, Appellant submits that Woo does not disclose each and every feature of claim 1, and does not anticipate the claimed invention.

With regard to independent claim 32, Appellant submits that Woo does not disclose an automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards and providing error messages to enable correction. As is understood by one of ordinary skill in the art, SCORM is a generally known collection of standards and specifications for web-based e-learning. Appellant submits that Woo in its entirety is completely silent with respect to SCORM standards.

In rejecting claim 32, the Examiner asserts that Woo discloses the above-noted feature at paragraph [0050]. However, Appellant submits that paragraph [0050] of Woo describes aspects of the client system (i.e., the viewer of the digital content). As such, Appellant submits that paragraph [0050] of Woo cannot disclose ensuring conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards, because the digital content used by the client system (e.g., downloaded or streamed) is no longer unprotected digital content (i.e., is protected digital content). Moreover, Appellant submits that Woo is silent as to providing error messages to enable correction, as recited in claim 32.

Additionally, in the Response to Arguments, the Examiner points to paragraphs [0028], [0046] and [0062] as disclosing the above-noted feature of claim 32. However, Appellant

submits that none of these portions of Woo disclose an automatic validation component adapted to ensure conformance of the unprotected digital content to Shareable Content Object Reference Model (SCORM) standards. Instead, the recited passages refer to a general description of the overall multimedia protecting system and a control means of the digital rights management (DRM) system utilized by the user of the content (e.g., the content downloader).

For at least these reasons, Appellant submits that Woo does not disclose each and every feature of claim 32, and does not anticipate the claimed invention.

**Examiner's Assertion:**

The Examiner asserts that independent claims 17, 27 and 39 were rejected under 35 U.S.C. § 102(e) over U.S. Patent Publication US 2004/0024652 to Buhse et al. ("Buhse").

**Appellant's Reply:**

Appellant does not agree with the Examiner. With regard to independent claim 17, Appellant submits that Buhse does not disclose logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role. However, the Examiner asserts that this feature is disclosed at paragraphs [0034] and [0084]. Buhse discloses in paragraph [0034] an Order Management System (OMS), which "manages the entire application," such that "external communications to the application are routed through the OMS to the appropriate functional module. OMS 105 reacts to requests from both external and internal interfaces."

However, Appellant submits that Buhse does not disclose that the OMS is a portal server, which "provides a common interface personalized to a user's profile and role," as recited in claim 17. That is, the OMS is not a portal server providing a common interface. Moreover, the OMS is not a common interface personalized to a user's profile and role. Instead, the OMS is merely a manager of all internal system communications via the internal connections to the other components (see FIG. 1A) and manager of communications to the client and consumer, acting as a turnstile, receiving messages and forwarding messages (see paragraph [0175]). Thus, Appellant submits that paragraph [0034] does not disclose each of the features of claim 17.

Additionally, Buhse discloses in paragraph [0084] that an account management component (AMC) processes operations for creating custom subscription plans based on business rules. However, Appellant submits that creating custom subscription plans does not constitute a common interface personalized to a user's profile and role, as recited in claim 17. Instead, the AMC is merely an online subscription and account management system, which

creates and administers subscription plans, as well as enforces the business rules of subscription plans (see paragraph [0126]).

In the Response to Arguments, the Examiner alternatively asserts that Buhse discloses the above-noted feature of claim 17 in paragraphs [0032] and [0231]. Initially, Appellant notes that the rejection set forth in the Response to Arguments does not correspond with the actual rejection of claim 17. Thus, Appellant submits that the Examiner has not set forth a clear record. In any event, Appellant submits that these paragraphs describe the account management system (AMS), which is used to create the custom subscription plans. As discussed above, Appellants submit that the custom subscription plans do not constitute a common interface personalized to a user's profile and role, as recited in claim 17.

Moreover, Appellant submits that Buhse does not disclose logging onto a portal server to perform any of the steps, wherein the portal server provides a common interface personalized to a user's profile and role, as recited in claim 17. That is, Appellant submits that the custom subscription plans are not an interface for a portal server that allows a user to perform any of the steps of claim 17.

Therefore, Appellant submits that Buhse does not disclose each and every feature of claim 17, and does not anticipate the claimed invention.

With regard to independent claim 27, Appellant submits that Buhse does not disclose a portal server to permit authoring of at least one shareable content object (SCO) having one or more assets. The Examiner asserts that this feature is disclosed at paragraphs [0028], [0029] and [0229]. Appellant does not agree.

Appellant acknowledges that Buhse discloses at paragraph [0029] a Client Interface (CLI) which “allows each client to set up and manage its offer of digital products for sale or subscription.” Additionally, Buhse discloses at paragraph [0078] that the “CLI 101 provides four functions to the client: content packaging, offer maintenance, subscription plan maintenance, and clearinghouse reporting.”

However, Appellant submits that Buhse does not disclose that the Client Interface may be used to permit authoring of at least one shareable content object (SCO) having one or more assets. That is, with Buhse, the Client Interface is not used to author, or create, the content. Rather, with Buhse, the Client Interface is used to package the content, wherein the content has already been created outside of the Client Interface.

In contrast, with the present invention, the portal server permits authoring of at least one shareable content object (SCO) having one or more assets. That is, with the present invention, the content may be authored, or created, within the portal server. For example, as described in

the specification at paragraph [0032] "... a SCO is composed by an author and placed in a folder. This may be accomplished by using the downloaded authoring application tool which may be a SCORM compliant authoring tool to compose a shareable content object (SCO) on the client system (e.g., a personal computer)."

Therefore, Appellant submits that Buhse does not disclose each and every feature of claim 27, and does not anticipate the claimed invention.

With regard to independent claim 39, Appellant submits that Buhse does not disclose a fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code. In rejecting claim 39, the Examiner asserts that the Order Management System (OMS) constitutes the fourth computer code to provide a common interface personalized to a user's profile and role to facilitate one of accessing or downloading the first computer code. Additionally, the Examiner has designated the Client Interface Component (CLI) 101 as the first computer code.

As described in paragraph [0006], the OMS "coordinates cataloging, the management of accounts and the delivery of products." However, as discussed with regard to claim 17, Appellant submits that the OMS does not provide an interface for one of accessing or downloading the first computer code. Moreover, Appellants submit that the OMS does not provide a common interface personalized to a user's profile and role.

Thus, Appellant submits that Buhse does not disclose each of the features of claim 39, and does not anticipate the claimed invention.

### **Conclusion**

Accordingly, Appellant respectfully requests that the Examiner's decision to finally reject claims 1 – 21 and 23 – 39 be withdrawn and the application be returned to the Examiner for allowance.

Respectfully submitted,  
Magda MOURAD



Andrew M. Calderon  
Reg. No. 38,093

GREENBLUM & BERNSTEIN, P.L.C.  
1950 Roland Clarke Place  
Reston, VA 20191  
(703) 716-1191